

Pauley

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PENNSYLVANIA PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM, individually and on behalf of all others similarly situated,	:	CIVIL ACTION NO. 11-CV-00733-WHP
Plaintiff,	:	CLASS ACTION
v.	:	
BANK OF AMERICA CORPORATION, et al., Defendants.	:	STIPULATION AND PROPOSED ORDER CONCERNING DISCOVERY

Lead Plaintiff Pennsylvania Public School Employees' Retirement System ("Lead Plaintiff") and Defendants Bank of America Corporation ("BoA"), Kenneth Lewis, Brian Moynihan, Charles Noski, Joe Price and Neil Cotty, by their respective counsel, hereby stipulate and agree as follows:

WHEREAS, The Court granted Lead Plaintiff permission to file a motion challenging the assertion of the bank examination privilege ("BEP"), which motion has now been filed with the Court and served upon counsel for all Defendants and other interested entities;

WHEREAS, pursuant to Court Order, BoA has provided Lead Plaintiff with a log of documents withheld, redacted or clawed back based solely upon the assertion of the BEP, which log totals over 30,000 documents, with additional documents withheld or redacted based solely upon the assertion of the BEP having been subsequently identified by BoA; and

WHEREAS, the Court has established a schedule for submissions by Lead Plaintiff, Defendants, and, if desired, government regulators, which will result in the briefing on that motion not being completed before sometime in April, 2015, at the earliest; and

SO ORDERED:

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3/19/15
WILLIAM H. PAULEY III U.S.D.J.

WHEREAS, the Court noted that the parties would not be able to complete fact discovery by the March 31, 2015 deadline;

NOW, THEREFORE, counsel for all parties hereby stipulate and agree as follows:

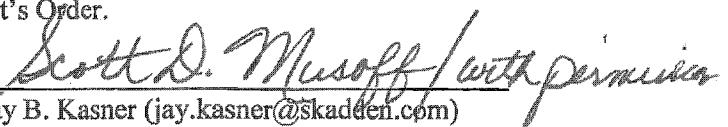
1. The deadline for completion of fact discovery shall be extended until the following dates:

- a. If the Court denies in full the BEP motion, then the deadline for conclusion of fact discovery shall be 90 days after the entry of that Order;
- b. If the Court grants, in whole or in part, the BEP motion, then the deadline for conclusion of fact discovery shall be 90 days after there has been full and complete compliance with the Court's Order.


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[PROPOSED] ORDER

It is SO ORDERED.

William H. Pauley, III

W.H.P.